



Duane Morris
100th Anniversary

DUANE MORRIS LLP
ONE MARKET, SPEAR TOWER, SUITE 2000
SAN FRANCISCO, CA 94105-1104
PHONE: 415.371.2200
FAX: 415.371.2201

RECEIVED
CENTRAL FAX CENTER
DEC 28 2004

FACSIMILE TRANSMITTAL SHEET

To: Examiner Charles A. Marmor, II - Group Art Unit 3736

FIRM/COMPANY: Mail Stop Amendment / USPTO

FACSIMILE NUMBER: 703.872.9306

CONFIRMATION
TELEPHONE: 703.305.3521

FROM: Anne Marie Leavy for Edward J. Lynch

DIRECT DIAL: 415.371.2231

DATE: December 28, 2004

USER NUMBER: 5121

FILE NUMBER: Atty Docket No. R0367-00202, USSN 10/004,987

TOTAL # OF PAGES:
(INCLUDING COVERSHEET) 20

MESSAGE: Attached is an *Amendment in Response to Office Action Mailed 10/01/2004* and *Terminal Disclaimer (by Attorney)*.

NOTE: Original will not follow

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 415.371.2200.
SF63649.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank, et al.

For: **METHODS AND APPARATUS FOR
SECURING MEDICAL INSTRUMENTS TO
DESIRED LOCATIONS IN A PATIENT'S
BODY**

Serial No.: 10/004,987

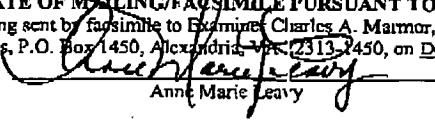
Filed: December 4, 2001

Atty. Docket No.: R0367-00202

) Examiner: Charles A. Marmor, II
)
) Group Art Unit: 3736
)
)
) **TRANSMITTAL**
)
)
)

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to Examiner Charles A. Marmor, II (703) 872-9306, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 28, 2004, in San Francisco, CA.



Anne Marie Leavy

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is an Amendment and Response to Office Action Mailed 10/01/2004 and Terminal Disclaimer (by Attorney).
2. Claim Fee Calculation

No additional claim fee is required.

Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Independent Claims	2201	10 - 12 =	0 x	\$100=	\$ 0
Total Claims	2202	38 - 41 =	0 x	\$25=	\$ 0

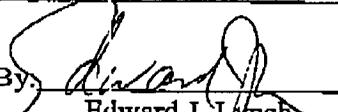
Additional Claims Fee \$ 0

3. Additional fees: Terminal Disclaimer fee under 37 CFR 1.20(d).....\$55

4. Payment of Fees

Enclosed is a check for the total fees due in the amount of _____.

The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0368-00202.

By: 
 Edward J. Lynch
 Registration No. 24,422

Duane Morris LLP
 One Market
 Spear Street, 20th Floor
 San Francisco, CA 94105
 Telephone: (415) 371-2200
 Direct Dial: (415) 371-2267
 Facsimile: (415) 371-2201

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank, et al.) Examiner: Charles A. Marmor, II
 For: **METHODS AND APPARATUS FOR**
SECURING MEDICAL INSTRUMENTS TO
DESIRED LOCATIONS IN A PATIENT'S
BODY) Group Art Unit: 3736
 Serial No.: 10/004,987)
 Filed: December 4, 2001)
 Atty. Docket No.: R0367-00202)
) TRANSMITTAL

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to Examiner Charles A. Marmor, II (703) 872-9306, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 28, 2004, in San Francisco, CA.
Charles A. Marmor
 Anne Marie Leavy

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COPY

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is an Amendment and Response to Office Action Mailed 10/01/2004 and Terminal Disclaimer (by Attorney).
2. Claim Fee Calculation

No additional claim fee is required.
 Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

Description	Fee Code	Fees	External Rate	Fee
Independent Claims	2201	10 - 12 =	0 x	\$100=
Total Claims	2202	38 - 41 =	0 x	\$25=

Additional Claims Fee \$ 0

3. Additional fees: Terminal Disclaimer fee under 37 CFR 1.20(d).....\$55

4. Payment of Fees

Enclosed is a check for the total fees due in the amount of _____.
 The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0368-00202.

By: *Edward J. Lynch*
 Edward J. Lynch
 Registration No. 24,422

COPY

Duane Morris LLP
 One Market
 Spear Street, 20th Floor
 San Francisco, CA 94105
 Telephone: (415) 371-2200
 Direct Dial: (415) 371-2267
 Facsimile: (415) 371-2201

RECEIVED
CENTRAL FAX CENTER

004

DEC 28 2004

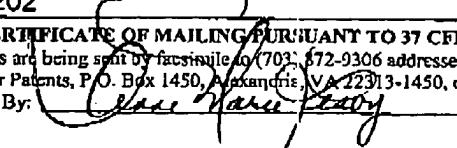
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
 Burbank et al.)
 For: METHODS AND APPARATUS FOR)
 SECURING MEDICAL INSTRUMENTS)
 TO DESIRED LOCATIONS IN A)
 PATIENT'S BODY)
 Serial No.: 10/004,987)
 Filed: December 4, 2001)
 Atty. Docket No.: R0367-00202)

TERMINAL DISCLAIM (BY
ATTORNEY)

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that this/these papers are being sent by facsimile to (703) 372-9306 addressed to Examiner Charles A. Marmor, II, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 12/28/04, in San Francisco, CA.
 By: 

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. (SenoRx). The assignee is the registered owner of all right, title and interest in and to the above-identified application.

The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,312,429; 6,540,693; 6,540,695; 6,638,234; 6,679,851; and 6,716,179 is hereby disclaimed on behalf of SenoRx.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to the

above referenced U.S. Patents. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the above referenced U.S. Patents in the event that these patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims cancelled by a reexamination certificate, or are otherwise terminated prior to the expiration of their statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

By:



Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105
Telephone: (415) 371-2200
Facsimile: (415) 371-2201
Direct Dial: (415) 371-2267